

SECRET

331

28 February 1949

OGC HAS REVIEWED.

MEMORANDUM TO: Overseas Division, Covert Personnel Branch

FROM: Office of General Counsel

SUBJECT: [REDACTED]

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1. Reference is made to the attached memorandum from MOS to ADSO, dated 7 February 1949, concerning the above subject. You will note the referred memorandum is not classified although it is assumed it should have been classified "SECRET". The basic question arises in connection with the request to bring [REDACTED] to the United States on or about March 1 of this year and at that time give him home leave at Government expense. Such request is based on operational necessity and the fact that [REDACTED] would have been entitled to home leave under existing policies on 21 April of this year.

2. It is understood that [REDACTED] was a new appointee at the time he was sent to [REDACTED]. Presumably, therefore, he signed the normal agreement required by Section 7 of P.L. 600, dated 2 August 1946, which agreement contained further provisions prescribing a 24 month tour of overseas duty. Regardless of home leave regulations now existing in CIA [REDACTED] would have been entitled to return to the States and subsequently to place of residence for leave purposes under the Comptroller General's Decision No. B-79806, dated 14 September 1948, upon compliance with his signed agreement. The 24 month tour of overseas duty is an administrative determination prescribed by CIA. By virtue of Administrative Instruction [REDACTED] dated 20 June 1948, ADSO was authorized, in his direction, to accept an agreement to serve a tour of less than 24 months where it was determined to be in the best interests of the Government. Where, as here, it has been determined to be in the best interests of the Government the employee may be returned to the United States prior to the administratively prescribed 24 months and the benefits which may be authorized in line with B-79806 may be authorized for such employee.

3. Necessary travel orders and other documents should be prepared in accordance with existing regulations. Travel of this type technically would not be considered home leave travel under the provisions of [REDACTED] of the Confidential Funds Regulations. From the practical standpoint, however, such travel would be equivalent to home leave travel.

4. Consequently this office can see no legal objection to the request of MOS provided the necessary authorities approve travel orders. We do not feel it necessary for this matter to be approved by the Director since the procedure seems to be completely in accordance with regulations.

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CC: [REDACTED]

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